

To: Arpad F Kovacs
From: Timothy E. Newholm, Reg. No. 34,400
Re: Final Office Action dated October 27, 2004
Arguments/Amendments to be discussed during interview
U.S. Application Ser. No. 10/672,713

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A. Spring Biased Roller Assembly

Referring to Appendix A, the differences between the cited Worthington patent and representative claim 1 are highlighted in a claim table that also identifies corresponding features in the preferred embodiment of the invention. As is clear from that claim table, no less than four limitations of claim 1 are not met by the Worthington patent. Most notable in this regard is the lack of a spring disposed between the first and second links and configured to bias the second link downwardly relative to the first link thereby the biasing roller against the ground surface. As stated in the claim correspondence table, the spring 13 of Worthington alleged by the Examiner to correspond to the claimed spring does not bias the links at all because the links are held in place by the head 12 of the adjusting screw 11. More importantly, were the head 12 not in place, the 13 spring would bias the roller assembly *upwardly* rather than downwardly as claimed. That biasing is illustrated by the marked up copy of Fig. 4 from Worthington attached as Appendix B. The compression spring 13 applies an axial biasing force against the arm 9 in the direction of arrow F, driving the arm 9 and the attached rock shaft 7 to rotate in the direction of arrow F. This rotation drives roller 4 generally upwardly in the direction of arrow U.

The Examiner's citation of *Ex parte Ohiaya* regarding this important difference is misplaced for two reasons. First, *Ohiaya* deals with obviousness, *not* anticipation. If the Examiner continues to believe that the *Ohiaya* case is applicable, is requested to withdraw his grounds for rejection and issue a new rejection based on obviousness. Second, and perhaps more importantly, the claimed biasing function does *not* result naturally from following the suggestions of the Worthington patent. To the contrary, the Worthington patent directly away from the invention by disclosing a spring that biases the roller upwardly away from the ground rather than downwardly toward the ground (to the extent that any roller biasing occurs at all).

Regarding claim 2, the Examiner's statement regarding the torsion spring is completely unfounded. Torsion springs do have at least one coil. That does not, however, render Worthington's compression spring a torsion spring. The difference is notoriously well-known in the art. That is, a torsion spring is characterized as a spring which operates with a coiling or uncoiling action. See, e.g., the glossary at <http://www.patrickmfg.com/glossary2.htm>, a copy of which is attached as Appendix C. The potential energy of a torsion spring is generated by twisting the spring to circumferentially tighten the coil or coils. It is released by permitting the coil or coils to expand. The biasing effect therefore is always angular or circumferential rather than linear.

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In contrast, Day discloses a standard helical compression spring which is loaded axially (see Appendix C). That is, the potential energy is saved by compressing the coils of the spring axially and released by permitting the spring coils to expand axially.

B. Quick Connect Assembly

The differences between the cited Worthington patent and representative claim 10 are highlighted in the second claim table of Appendix A. Most notably, claim 10 would be amended to make explicit that which is already implicit, i.e., that a "quick connect assembly" by definition, provides for the *detachable* connection of one element to another. The Examiner contends that the yoke on the arm 6 of the rock shaft 7 of Worthington corresponds to the claimed sleeve and that the pin or shaft of the rock shaft 7 corresponds to the claimed pin. However, the arm 6 and shaft of the rock shaft 7 of Worthington are formed integrally with one another and always rotate together as a unit. They cannot be separated from one another and in no way facilitate attachment of the roller assembly to a lawnmower frame. It should be noted that even the Examiner were disinclined to permit entry of this proposed amendment, he still would have to withdraw the rejection of claim 10 because, as identified in the claim correspondence table, the rock shaft 7 cannot correspond to the claimed shaft.

C. Stowable Roller Assembly

The claim correspondence table of Appendix A identifies differences between the cited Day reference and claim 16, which is representative claim directed towards the third above-discussed aspect of the invention, i.e., the ability to latch the roller assembly in a raised, inoperative position in which the rollers are incapable of riding along a ground surface. Claim 16 will include *the same language that is currently in rejected claim 29*, which identifies the "inoperative position" as one in which "the rollers are incapable of riding along the ground surface." The roller assembly of the cited Day patent *cannot* be latched in that manner. Its single roller is a gauge roller that always rides along the ground surface. Its relationship between the lawnmower frame, the latch, and the rollers is such that the roller could not possibly be latched in a raised position in which it does not ride against the ground. To the contrary, ground engagement is essential to proper operation of Day's system.

As with the rejections based on Worthington, the Examiner cites the *Ex parte Obiaya* case and contends that applicant has done nothing more than recognize another advantage that flows naturally from following the suggestions of the prior art. Once again, the citation of *Obiaya* is improper as a matter of law because the Examiner's rejection is based on anticipation, not on obviousness. In addition, the applicant has done much more than recognize another advantage which would flow naturally from Day if

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proceeding in a manner that is directly opposite from that suggested by Day. It has instead provided a capability that is in no way suggested by Day.

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